



SOUTH DAKOTA BOARD OF NURSING

SOUTH DAKOTA DEPARTMENT OF HEALTH
4305 S. Louise Avenue Suite 201 v Sioux Falls, SD 57106-3115
(605) 362-2760 v FAX: 362-2768 v www.state.sd.us/doh/nursing

MEMORANDUM

TO: South Dakota Licensed Nurse Practitioners and Nurse Midwives
FROM: Linda Young, Nursing Program Specialist, South Dakota Board of Nursing
DATE: October 31, 2016
RE: Changes to Administrative Rules

Please be informed that changes to the administrative rules for nurse practitioners and nurse midwives went into effect on October 20, 2016. Descriptions of the changes and new rules are listed below and may be accessed online: <http://www.sdlegislature.gov/Rules/DisplayRule.aspx?Rule=20:62>.

1. **Section 20:62:01:02** was revised to provide more flexibility to the Joint Board of Nursing and Medical and Osteopathic Examiners (boards) to choose a date for their annual meeting. The new rule is as follows:

20:62:01:02. Annual meetings. *An annual meeting of the boards shall be held each year at a place designated by the presiding officer of the boards.*

2. **Chapter 20:62:02** was updated to align with national Advanced Practice Registered Nurse (APRN) licensure requirements. Previous rules were too specific and limited the approval of new exams. The change is underlined below.

20:62:02:02. Application for licensure. *An applicant for licensure as a nurse practitioner or nurse midwife shall file with the executive director of the Board of Nursing an application containing the following:*

- (1) *Evidence that the applicant has completed an approved educational program that meets the requirements of § 20:62:02:01.01;*
 - (2) *Evidence that the applicant has passed a nationally recognized certification examination approved by the boards which is specific to the applicant's advanced practice registered nurse role and educational preparation, and maintains current certification; and*
 - (3) *The fee required by subdivision 20:62:01:11(1).*
3. **Chapter 20:62:03** was amended to allow more flexibility for collaboration between the physician(s) and APRN. Previous rules required a physician and nurse practitioner or nurse midwife to be physically present no less than twice each month and required the physician to be present on-site every ninety days at each practice location. These rules were changed, collaboration by direct personal contact may now occur by physical presence or by electronic communication. The new rules are as follows:

20:62:03:03. Collaboration with a licensed physician or physicians. A nurse practitioner or nurse midwife may perform the overlapping scope of advanced practice nursing and medical functions defined in SDCL [36-9A-12](#) and [36-9A-13](#), in collaboration with a physician or physicians licensed under SDCL chapter [36-4](#). Collaboration must occur by direct personal contact.

20:62:03:04. Direct personal contact. For purposes of this chapter, the term, direct personal contact, means that both the collaborating physician and the nurse practitioner or nurse midwife are physically present or available by means of electronic communication for the purposes of collaboration.

20:62:03:05. Collaboration – Separate practice location. This rule was repealed.



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Frequently Asked Questions:

Because of the change in collaboration rules, do I need to submit a new collaborative agreement?

No, the collaborative agreement you and the physician(s) signed includes the following statement,
"It is further understood and agreed by and between the parties that any changes in the practice act subsequent to the date of this collaborative agreement will take precedence and modify the affected provision(s) of this agreement."

However, if you need to make changes to your existing agreement or if you need to submit a new agreement for approval, please use the most current, updated form located on the Board of Nursing's website:

- CNM: <http://doh.sd.gov/boards/nursing/CnmAll.aspx>
- CNP: <http://doh.sd.gov/boards/nursing/CnpAll.aspx>

How can I find out what I have on file for my collaborative agreement?

Access the Board's licensure verification website, <http://doh.sd.gov/boards/nursing/verificationlink.aspx> to look up your license and collaborative agreement status. You are accountable to make sure your collaborative agreement status reflects your current practice arrangements. If you have questions or need changes please contact me or Erin.Matthies@state.sd.us.

How often am I required to meet with my physician?

The laws in SDCL 36-9A and ARSD 20:62 no longer have specific requirements as to how often you need to meet together or for how long your meetings need to be. Please check with your employer and other credentialing or regulating bodies as they may have more specific requirements. Also discuss with your collaborating physician. You both may decide to collaborate by direct personal contact by physically being in the same place together, by means of electronic communication, or a combination of methods.

Also keep in mind you are accountable and responsible to recognize the limits of your knowledge and experience, plan for situations beyond expertise, and consult with or refer patients appropriately with the overall goal being to optimize the outcome of care provided to patients (pursuant to SDCL 36-9A).

Should you have questions, please contact the South Dakota Board of Nursing office.

Respectfully,

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cc: Gloria Damgaard, Executive Director, SD Board of Nursing
Margaret Hansen, Executive Director, SD Board of Medical and Osteopathic Examiners